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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,761	02/09/2004	Jeffrey W. Yeo	6270/136	8720
46260	7590	10/03/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE/PML PO BOX 10395 CHICAGO, IL 60610			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

10/775.761

Applicant(s)

YFO ET AL.

Examiner

Tung S. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-18 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-18 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ransom et al. (U.S. Patent Application Publication 2004/0138835).

Regarding claim 1:

Ransom discloses a method of identifying at least one unknown energy driver (fig. 2b, unit 250-265), the method comprising: receiving quantity metadata and energy usage data (fig. 2b, unit 280); determining at least one relationship between the quantity metadata and energy usage data by analyzing the quantity metadata and energy usage data (fig. 2b, unit 250-265); assessing the quality of the at least one relationship, identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship, and outputting the identified at least one energy driver (fig. 2b, unit 250-265, fig. 5b, unit 511-518).

FIG. 2b

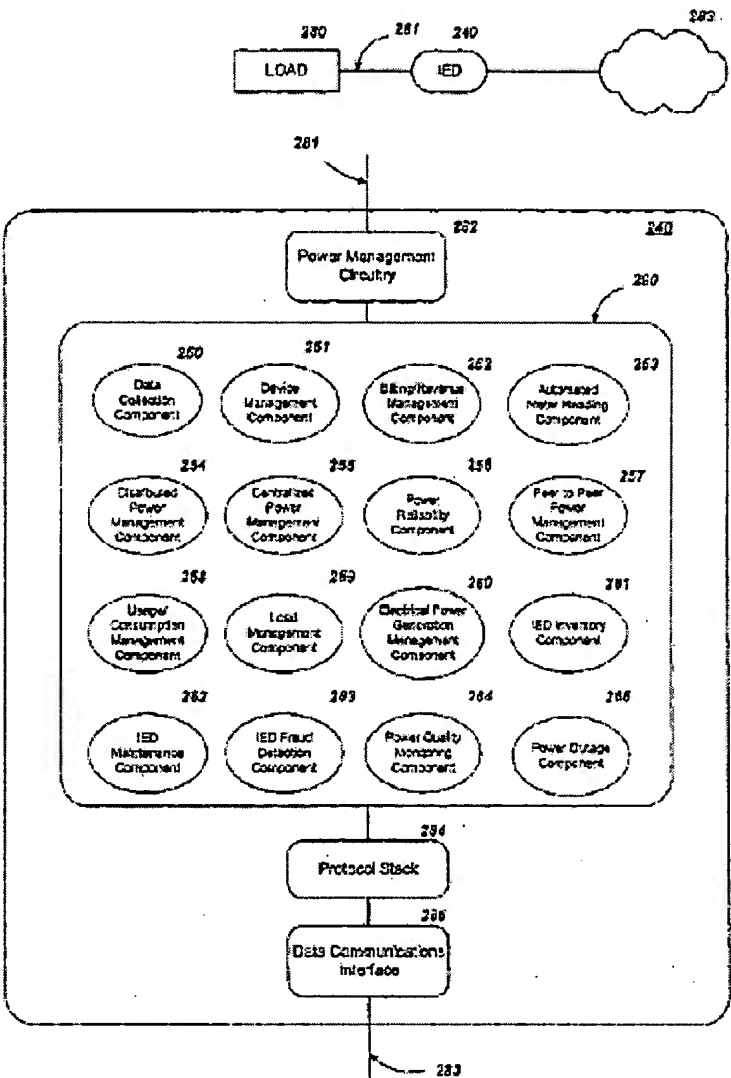
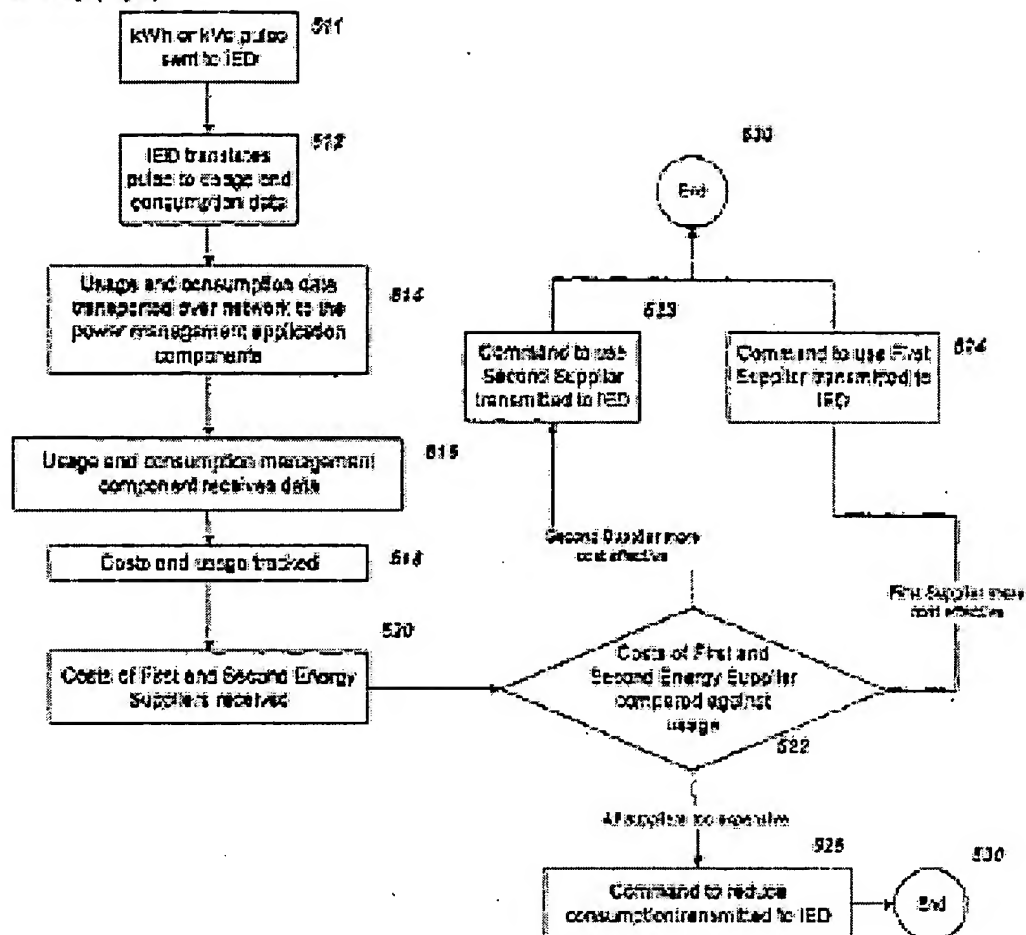


FIG. 5b

Regarding claim 11:

Ransom discloses a system for identifying unknown energy drivers in an energy distribution network, the system comprising: an energy drivers application (fig. 2b, unit 250-265), the energy drivers application having; an input module operative to receive quantity metadata and energy usage data (fig. 2b, unit 250-265, 281); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the quantity metadata and energy usage data (fig. 2b, unit 250-265), the processing module being further

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operable to assess the quality of the at least one relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship; and an output module coupled with the processing module and operative to output the identified at least one energy driver (fig. 2b, unit 250-265, fig. 5b, unit 511-518).

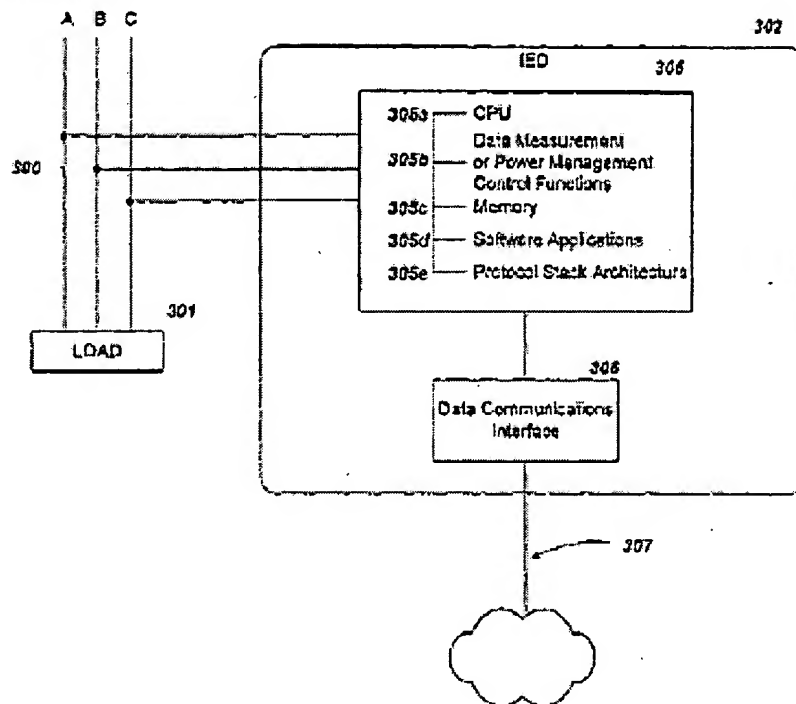
Regarding claim 24:

Ransom discloses a system for identifying unknown energy drivers in an energy distribution network (fig. 2b, unit 250-265), comprising: means for accepting quantity metadata and energy usage data (fig. 2b, unit 250-265); means for determining at least one relationship by analyzing the quantity metadata and energy usage data (fig. 2b, unit 250-265); means for assessing the quality of the at least one relationship; means for identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship; and means for outputting the identified at least one energy driver (fig. 2b, unit 250-265, fig. 5b, unit 511-518).

Regarding claim 25:

Ransom discloses an energy drivers application implemented on a computer (fig. 3a, unit 305a), the computer having a processor and a memory coupled with the processor (fig. 3a, unit 305c),

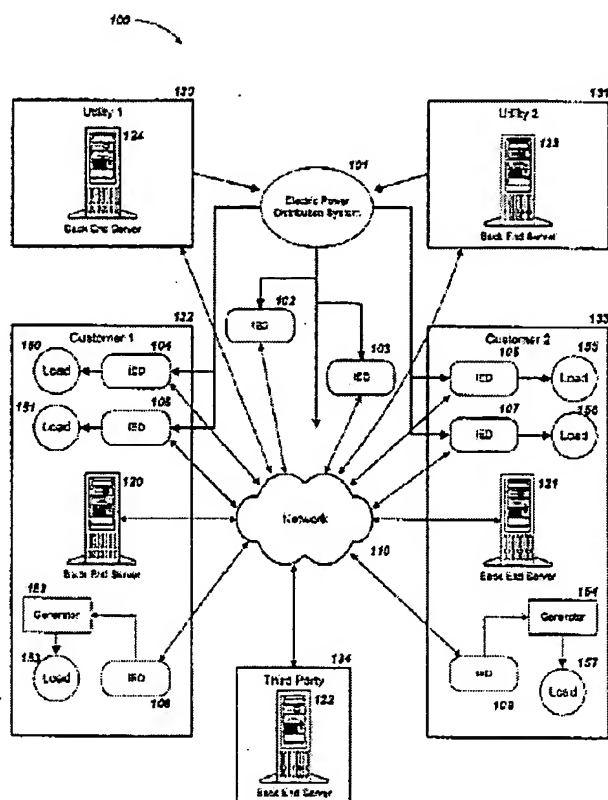
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FIG. 3a

the energy drivers application comprising: first logic stored in the memory and executable by the processor and operable to accept quantity metadata and energy usage data (fig. 3a, unit 305d, 305e); second logic stored in the memory, executable by the processor and coupled with the first logic (fig. 3a, unit 305d), and operable to determine at least one relationship by analyzing the quantity metadata and energy usage data (fig. 2b, unit 250-265), the third logic being further operable to assess the quality of the at least one relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship (fig. 2b, unit 250-265), and third logic stored in the memory, executable by the processor and coupled with the second logic,

and operable to output the at least one energy driver (fig. 2b, unit 250-265).

FIG. 1

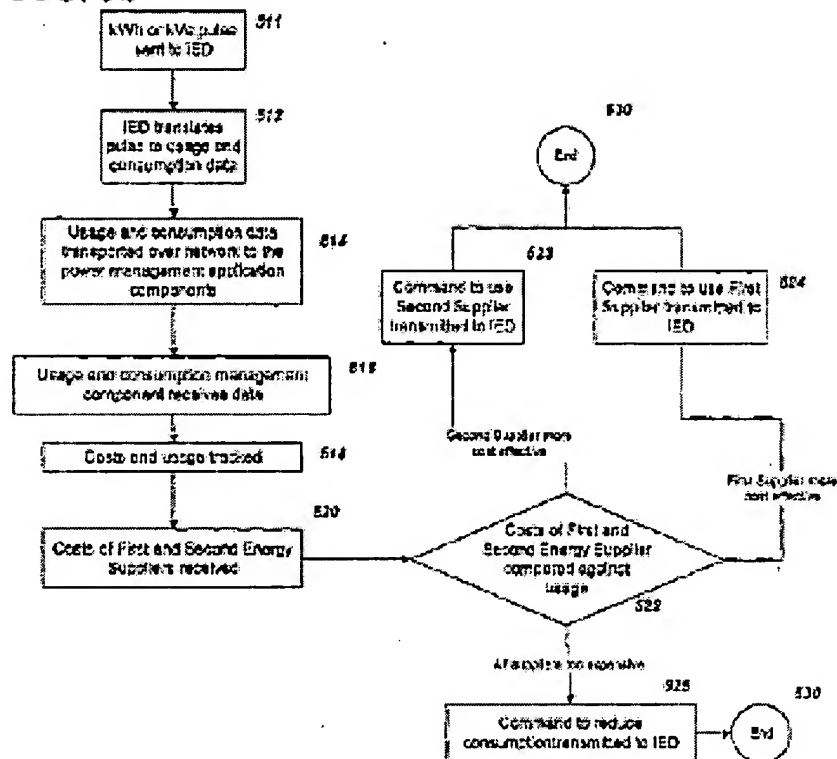


Regarding claim 26:

Ransom discloses an energy drivers application for use in an energy distribution network (fig. 1, unit 132), comprising: an input module operative to accept quantity metadata and energy usage data (fig. 2b, unit 250-265); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the quantity metadata and energy usage data (abstract), the processing module being further operable to assess the quality of the at least the relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship, and an

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output module coupled with the processing module and operative to output the identified at least one energy driver (fig. 2b, unit 250-265, fig. 5b, unit 511-520).

FIG. 5b

Regarding claims 2, 15, Ransom discloses relationship with time (fig. 5b, unit 511); Regarding claims 3, 16, Ransom discloses relates to production levels (fig. 1, unit 154, fig. 5b, unit 511-520); Regarding claims 4, 17, Ransom discloses production schedules (page 10, section 0084); Regarding claims 5, 18, Ransom discloses related to process variable (page 10, section 0084); Regarding claims 8, 21, Ransom discloses generic algorithm (fig. 4b, 5b); Regarding claims 9, 22, Ransom discloses the energy usage are not ratiometrically linked (fig. 4b, unit 432); Regarding claims 10, 23, Ransom discloses outputting graph (fig. 11);

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Regarding claim 12, Ransom discloses network (fig. 1, unit 110); Regarding claim 13, Ransom discloses IED in a network (abstract, fig. 1, unit 110); Regarding claim 14, Ransom discloses measuring device coupled to network (fig. 2b, unit 250-265, fig. 1, unit 110).

Allowable Subject Matter

2. Claims 6, 7, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach regarding claims 6 and 19, use of linear regression analysis; regarding claims 7 and 20, use of multivariate regression analysis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 09/13/2005 have been fully considered but they are not persuasive.

A. Applicant argues in the arguments that the prior art does not show the '

identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship'. Ransom discloses 'identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship' in fig. 2b, unit 250-265, fig. 5b, unit 511-518. Reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification."

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re* Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B. Applicant continues to argue in the arguments that the prior art does not show the 'software component identify energy drivers'. Ransom discloses the 'software component identify energy drivers' in fig. 6, unit 600, 622, 618, fig. 5c, unit 1555, fig. 16, unit 1606, 1610, 1608, 1613.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI
PRIMARY EXAMINER



9/29/08